

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2015  
IN

WRIT PETITION (CIVIL) NO. 494 OF 2012

IN THE MATTER OF

Justice K.S. Puttaswamy (Retd.)  
& Anr.

...PETITIONERS

VERSUS

Union of India & Ors.

...RESPONDENTS

AND

IN THE MATTER OF

State of Maharashtra.  
Through the Principal secretary,  
Information Technology, General  
Administration Department,  
Mantralaya, Madam Cama Road  
Hutatma Rajguru Chowk,  
Mumbai - 400032

.... APPLICANT

WITH

I.A. NO. OF 2015

APPLICATION FOR CLARIFICATION/MODIFICATION OF  
INTERIM ORDER DATED 11.08.2015

PAPER BOOK  
(FOR INDEX, KINDLY SEE INDEX INSIDE)

ADVOCATE FOR PETITIONER: NISHANT R. KATNESHWARKAR

### INDEX

SR.NO.	PARTICULARS	PAGE NO.
1.	I.A. NO. OF 2015: Application for clarification/modification of interim order dated 11.08.2015 with affidavit.	<b>1-36</b>
2.	<u>Annexure-P-1</u> : A true copy of the order dated 11.08.2015 passed by this Hon'ble court in Writ Petition No. 494 of 2012.	<b>37-41</b>
3.	<u>Annexure-P-2</u> : A true copy of the exhaustive list of welfare schemes linked to Aadhaar.	<b>42-43</b>
4.	<u>Annexure-P-3</u> : A true copy of the order dated 23.9.2013 passed by this Hon'ble court in Writ Petition No. 494 of 2012.	<b>44-46</b>
5.	<u>Annexure-P-4</u> : A true copy of the order dated 16.3.2015 passed by this Hon'ble court in Writ Petition No. 494 of 2012.	<b>47-52</b>
6.	<u>Annexure-P-5</u> : A true copy of the order dated 24.03.2014 passed by this Hon'ble court in Special Leave Petition (Crl) No. 2524 of 2014.	<b>53-54</b>

- 1 -

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. . OF 2015  
IN

WRIT PETITION (CIVIL) NO. 494 OF 2012

IN THE MATTER OF

Justice K.S. Puttaswamy (Retd.)  
& Anr.

...PETITIONERS

VERSUS

Union of India & Ors.

...RESPONDENTS.

AND

IN THE MATTER OF

State of Maharashtra  
Through the Principal Secretary,  
Information Technology, General  
Administration Department,  
Mantralaya, Madam Cama Road  
Hutatma Rajguru Chowk,  
Mumbai - 400032

.... APPLICANT

APPLICATION FOR CLARIFICATION/MODIFICATION OF  
INTERIM ORDER DATED 11.08.2015

TO  
THE HON'BLE THE CHIEF JUSTICE OF  
INDIA AND HIS COMPANION JUDGES  
OF THE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE  
PETITIONER ABOVE NAMED.

MOST RESPECTFULLY SHOWETH:

1. That the Applicant herein a Respondent in the present Writ Petition in the abovementioned Writ Petition (Civil) 494 of 2012.

2. That Writ Petition (Civil) No. 494 of 2012 (Justice K Puttaswamy (Retd) v Union of India) and the connected cases have been filed challenging the constitutionality and legality of the "Aadhaar Card Scheme" on various counts.

3. The present Application is seeking a modification / clarification of its interim order dated 11.08.2015 ("impugned order"), the relevant portion of which is extracted herein below:-

"having considered the matter, we are of the view that the balance of interest would be best served, till the matter is finally decided by a larger Bench if the Union of India or the UIDAI proceed in the following manner:-

1. The Union of India shall give wide publicity in the electronic and print media including radio and

television networks that it is not mandatory for a citizen to obtain an Aadhaar card;

2. The production of an Aadhaar card will not be a condition for obtaining any benefits otherwise due to a citizen;

3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of food grains etc. and cooking fuel, such as kerosene, The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;

4. The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation."

A true copy of the order dated 11.08.2015 passed by this Hon'ble court in Writ Petition No. 494 of 2012 is produced herewith and marked as **ANNEXURE-P-1.**

(Page 37 - 41).

4. The present Applicant is seeking a modification/clarification of Paragraph 3 & 4 of the impugned order. The clarification/modification being sought is to allow the Aadhaar number to be used not only for the PDS Scheme or the LPG Distribution Scheme, but also for other social benefit schemes or services of the Government of India as well as Government of Maharashtra and similar services based on resident consent to enable those who are enrolling/enrolled on a voluntary basis to avail of the services and benefits linked with Aadhaar, or continue using the same. The present Application also seeks clarification/modification of para 4 of the impugned order, to the extent that the information about an individual obtained by UIDAI while issuing an Aadhaar Number should not be restricted for the purpose of criminal investigation only; and such information be used for facilitating the delivery of the various socio economic welfare Schemes of the Government of India and State Governments alike which shall be purely based on the consent of the resident. This implies that when a resident who is enrolled for Aadhaar wants to avail of any Aadhaar-linked service, he/she should have the option of providing his/her biometrics, asking the UIDAI to

authenticate his/her identity. If authenticated, he/she can access the said service without any delay, thereby saving time and the need for providing other relevant documents with regard to Identity and residence proof, which he/she may or may not have.

5. The operation of the impugned order has resulted in considerable hardship being faced by the residents of the state in accessing services and benefits being provided by the Government of India & Government of Maharashtra and like services which serve several vital purposes viz., financial inclusion, economic development and access to efficient governance. At the same time it has also brought to a stop the process of streamlining several government databases which has been undertaken to reduce corruption, cut out middlemen and deliver services efficiently to the people of the State in a time-bound manner.

6. As on 23.09.2015, nearly 9.97 Crore Aadhaar numbers have been generated in the State of Maharashtra covering nearly 88.72% of the State Population i.e. 11.23 Crore (as per Census 2011). On detailed observation, it may be seen from the table below

that Aadhaar has been generated for nearly 99.78% of Adult Population (18+ Years) who are most eligible potential / current beneficiaries of various welfare schemes.

Age Group	Aadhaar Generated	Population (As per Census 2011)	Percent age Covered	Remaining Population (As per Census 2011)	Age Group (as % of remaining population)
0 to less than 5 Years	2,165,496	9,362,026	23.13%	7,196,530	56.75%
5 to less than 18 Years	21,434,705	26,749,431	80.13%	5,314,726	41.91%
18 years and above	76,092,822	76,262,876	99.78%	170,054	1.34%
<b>Total</b>	<b>99,693,023</b>	<b>112,374,333</b>	<b>88.72%</b>	<b>12,681,310</b>	

Government of Maharashtra has procured and deployed 2000 UID enrolment kits to drive the enrolment in the State. For the focussed enrolment of children (0 to less than 18 years), the Government of Maharashtra is in process of procurement of 1929 additional Aadhaar enrolment kits. Additionally, the CSC SPV is in process of deployment of 500 tablets based enrolment kits for enrolment of children (0 to less than 5 years). Using additional enrolment kits as above, it is proposed to cover the balance uncovered population in the 0 to less than 18 year age group. UID generation for this target group will



help in focusing UID application schemes specific to children and youth (For example, Prevention of Malnutrition, Skill Development and Youth Empowerment.)

It is humbly submitted that the Aadhaar card / number is the most widely held form of identity document with the widest coverage amongst the residents / citizens. This is evident from the following table:

Identity Document	Coverage
EPIC Card	7.99 Crore <sup>1</sup> (As on 05.01.2013)
Driving License	2.58 Crore <sup>2</sup> (As on March 2013)
Aadhaar	9.97 crore <sup>3</sup> (As on 23.09.2015)

7. Since Point 3 of the impugned order prohibits the use of Aadhaar for any purpose apart from distribution of food-grains and kerosene in the PDS Scheme as well as LPG distribution, crores of residents of the State of Maharashtra are denied the use of a basic form of identity for all other purposes, even if they choose to do so voluntarily. Given that the Aadhaar number/ card is the most widely held identity document,

<sup>1</sup> Source: Election Commission of India Website

([http://eci.nic.in/eci\\_main1/SVEEP/statesweeplan2014/MAHARASHTRA.pdf](http://eci.nic.in/eci_main1/SVEEP/statesweeplan2014/MAHARASHTRA.pdf) on page number 1)

<sup>2</sup> Source: Maharashtra Transport Website (<http://mahatranscom.in/pdf/MVD%20Statistics%20-%202012-13.pdf> on page number 7)

<sup>3</sup> Source: [www.portal.uidai.gov.in](http://www.portal.uidai.gov.in)

this causes serious hardship to such residents, for many of whom it is the only identity proof that they possess.

8. The benefits that were accruing to the State Government from the use of UID number while implementing various schemes of the Government can be broadly classified into the following categories.

- a) De-duplication of databases resulting in weeding out of bogus, ghost & duplicate beneficiaries
- b) Eliminating leakages at the time of disbursement of cash to beneficiaries by use of UID based authentication
- c) Providing the beneficiaries with access to last-mile banking services like micro-ATMs
- d) Providing greater choice of financial institution to the beneficiaries of various Government schemes.
- e) Enabling applicants to access various services without physically having to be present in a Government office for verification of proof of identity.

For each of the aforementioned categories, the details are as follows:

a) De-duplication of databases resulting in weeding out of bogus, ghost & duplicate beneficiaries

9. While this is being envisaged for all the schemes implemented by the State Government, the State Government intends to bring to the notice of the Hon. Supreme Court, two schemes in which the State has already started obtaining benefits.

A1. Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)

10. Under the MGNREGS scheme, registered workers are provided unskilled wage employment on demand. Wages are paid after measuring the volume of the work done. Complaints regarding bogus workers and ghost workers are received by the implementation authorities. Also, complaints regarding names of dead persons appearing on the muster rolls are also received by the implementation authorities. On investigation, some of these complaints have been found correct. Also, there is a possibility of the same person being enrolled in two different job cards in the same Gram Panchayat or on two different job cards in different Gram Panchayats. This

will definitely lead to misuse of one of the job cards.

11. To eliminate these leakages, a massive campaign for seeding of the MGNREGS program data base with the UID number was taken up in the State of Maharashtra. Till date, UID seeding has been completed for 46.89 lakh workers in the State. While seeding of all registered workers was being done, the focus was on "active" workers. An "active" worker is defined as one who has worked on the MGNREGS scheme at least for one day in the current financial year or the previous two financial years. Till date, 25.03 lakh "active" workers (approx. 74.3 % of the total number of active workers) have been seeded with UID numbers in the program database. After proper verification following a duly laid down procedure, the bank accounts of such workers are also seeded with the UID number.

12. Wages of such workers are paid through the National Payments Corporation of India (NPCI) channel where UID number is used for the fund transfer. The amount of wages distributed through NPCI in FY 2015-16 is Rs. 100.82 crores till date.

13. In many districts of the State, the above seeding has been completed for more than 80% of the workers. In the process, many cases of duplicate registration (workers registered on more than one job card) & possible ghost workers have come to light. In the 3 districts of Bhandara, Gondia and Nagpur where UID seeding has crossed 95%, around 40851 names of registered workers were found to be duplicate and have been deleted. The duplicate could be identified only due to UID seeding. Since May 2015, a system of disbursement of wages through UID enabled micro-ATMs has started in the State. For this, the fingerprint of the worker is authenticated with the biometric data available in the UID database. Payments are made only after this authentication. This ensures that wages reach the right person and eliminates leakages.

14. Hence, it can be seen that the UID seeding in the program database and UID seeding of the bank accounts of the workers has helped in de-duplication, weeding out bogus beneficiaries and eliminating leakages at the time of distribution of the wages.

A2. Welfare pension schemes of the State/Central Government (Dilasa Project in Aurangabad)

15. In 2011, a pilot project - "Dilasa"- was initiated in Aurangabad district with Bank of India, whereby Aadhaar seeding of beneficiaries were carried out for following schemes:

- Sanjay Gandhi Pension scheme (Pension scheme of State Government to provide financial assistance to destitute persons, blind, disabled, orphan children, persons suffering from major illnesses, divorced women, abandoned women, women freed from prostitution, outraged women, Transgender, etc. below 65 years of age and having annual family income up to Rs. 21,000/-)<sup>4</sup>
- Shravan Bal Scheme (Pension scheme of State Government to provide monthly pension to destitute aged persons of 65 years and above whose annual family income is up to Rs. 21,000/- or persons belonging to BPL family and who are the resident of state for 15 years)<sup>5</sup>
- Indira Gandhi Old Age Pension Scheme (To provide

<sup>4</sup> Source: [http://mumbaisuburban.gov.in/html/sanjay\\_gandhi\\_yojna.htm#niradhar](http://mumbaisuburban.gov.in/html/sanjay_gandhi_yojna.htm#niradhar)

<sup>5</sup> Source: [http://mumbaisuburban.gov.in/html/sanjay\\_gandhi\\_yojna.htm#shravan](http://mumbaisuburban.gov.in/html/sanjay_gandhi_yojna.htm#shravan)

monthly pension to aged person 60 years or higher who belongs to a BPL household as per criteria prescribed by Government of India)<sup>6</sup>

16. This had helped in elimination of duplicates and removal of bogus entries from the scheme database. It had also helped in identifying the dead citizens, against whose names, the benefit was being siphoned off. Further, under this project Aadhaar Card / number acts as a Proof of Identity and the beneficiary does not have to produce any other supporting documents.

17. The disbursement of pension was carried out by Bank of India through UID enabled micro-ATMs. For this, the fingerprint of the beneficiary is authenticated with the biometric data available in the UID database. Pension is disbursed only after this authentication. This ensures that pension reaches the right person and eliminates leakages. Under Dilasa Project, the State was able to save Rs.7,71,91,200/- in the year 2011 and around 8000 duplicate / bogus beneficiaries were identified and eliminated. It should be mentioned that this cost saving is recurring in nature. Also, the identification of

---

<sup>6</sup> Source: [http://nsap.nic.in/Guidelines/english\\_oaps.pdf](http://nsap.nic.in/Guidelines/english_oaps.pdf)

duplicate/bogus beneficiaries acts as a deterrent against the likelihood of such cases in the future.

18. The State wishes to replicate a similar model across Maharashtra to reap the benefits and learnings of Dilasa project. However, with this interim order, State is not able to implement such a project which would facilitate in elimination of leakages and thus huge savings for Government.

b) Eliminating leakages at the time of disbursement of cash to beneficiaries by use of UID based authentication

19. In many Government schemes, a certain amount of cash is transferred to the bank/post office account of the beneficiary as a direct benefit. Prior to use of AADHAAR based authentication, there was no fool proof mechanism of verifying the identity of the person coming to the bank or post office for withdrawing the amount. There have been instances of persons other than the beneficiary colluding with the bank / postal staff to withdraw amounts from the beneficiary account in an unauthorized manner.

20. Such leakages are quite difficult to identify and eliminate without the use of technology. The use of UID



authentication tools has ensured that last mile cash payments are made only after due authentication of the identity of the beneficiary.

21. The State Government implements a number of schemes where the benefit is being directly transferred to the beneficiary's bank account and where the beneficiary withdraws cash at the last mile. Examples of such schemes are

- i. Indira Awas Yojana (Social welfare flagship programme to provide housing for the rural poor in India)
- ii. Mahatma Gandhi National Rural Employment Guarantee Scheme (Social welfare flagship programme to provided unskilled wage employment on demand to registered workers)
- iii. Educational scholarships (Social welfare flagship programme to provide scholarship to students at various levels of education from SC / ST / OBC / Minority communities)
- iv. Social security pensions for economically disadvantaged section

In all the above schemes, the above benefits of using UID number for authentication would be obtained. However, the impugned order will mean that such benefits cannot be harnessed.

c) Providing the beneficiaries with access to last-mile banking services like micro-ATMs

22. According to Reserve Bank of India guidelines, bank branches should be set up in the rural areas in villages having a population of 2000 or more. However, in most of the rural areas of the State of Maharashtra, the density of bank branches is much less than the above norm. Residents of the State have to travel for a distance of 25-30 km before to access a financial institution.

23. Instead of brick-and-mortar branches, most banks are deploying other last-mile solutions like business correspondents to ensure that the population gets access to banking services. The banking correspondent has a micro-ATM which is UID compliant.

24. The beneficiary is able to get access to last mile banking services by UID authentication through the

micro-ATM. The process is also simplified and the beneficiary does not have to fill out any withdrawal form or document for accessing the service. If UID is not allowed to be used for this purpose, then each beneficiary will have to be provided with a bank card. Also, biometrics of each account holder will have to be captured again leading to duplication of effort. This will lead to increased costs of service delivery for banks also. Ultimately, it will result in denial of service to the deserving beneficiaries. They will have to go to the nearest bank for accessing services which might be 25-30 km away.

25. Since biometric information has already been captured during UID enrolment, UID based micro-ATMs can start off without any initial costs for issue of card and capture of biometrics.

Due to the impugned order, there is lack of clarity at the field level whether UID based authentication can be used in micro-ATMs. This issue needs to be clarified at the earliest.

d) Providing greater choice of financial institution to the beneficiaries of various Government schemes

26. It has now become mandatory in every Government scheme to transfer cash benefits to the beneficiary into a bank or post office account. If a beneficiary is not happy with the service levels of the financial institution, the beneficiary opts for a change of financial institution. Prior to use of the UID number, the cash transfers were done through regular banking channels like cheque, National Electronic Fund Transfer (NEFT) or Real Time Gross Settlement (RTGS). This meant that whenever a beneficiary opts for a change of financial institution, the details of the bank account have to be changed in the databases of the respective scheme(s) from which the beneficiary is getting benefit from.

27. It has been observed that a beneficiary may be accessing benefits of a number of schemes. This means that the beneficiary has to go to a number of offices and repeat the procedure for change of the account information in all the program databases.

28. Under AADHAAR or UID enabled payment, the payment is done through the National Payments Corporation of India (NPCI) channel. In this channel, the funds are transferred using the UID number as an identifier. Hence, if the beneficiary intends to change his/her banking institution, the only thing required is to seed the UID number into the new account that the beneficiary will open.

29. Since payment is happening by using the UID number as identifier, no change is required in the program database. Such a facility has resulted in greater choice of financial institution to the beneficiary and ensured ease of mobility across financial institutions.

Due to the impugned order, such benefits accruing to the resident as listed above have been brought into question.

e) Enabling the resident to access various services without physically having to be present in a Government office for verification of proof of identity

30. The State Government has provided a facility to applicants to access certain services without having to physically remain present in a Government office. In most

of the Government schemes, the main purpose of asking a person to remain present is to verify the identity of the applicant. This is easily possible through the UID authentication and e-KYC facilities which are provided by the UIDAI.

31. The applicant intending to access the service authenticates himself at a convenient location (residence or nearby internet kiosk where the facility is available) instead of coming to the Government office to do so. The consent of the resident is mandatory as authentication is based on resident biometrics.

E1. Registrant providing Aadhaar number do not need to bring an identifier at the time of document registration

32. The registrants execute an agreement for various purposes and visit the concerned Sub Registrar Offices for registration of the agreement. For the purpose of identification of each registrant, he / she is required to be accompanied by a person who is aware about registrant's identity and is willing to confirm the registrant's identity to the Sub-Registrar. It is seen that each registrant is accompanied by a separate identifier

and hence the number of persons visiting the Sub-Registrar Office is double the number of registrants.

33. The Registration Software has a provision of providing Aadhaar number (as Proof of Identity) of the registrant at the time of registration. In case where registrant has provided Aadhaar, the identification is feasible through e-KYC upon consent of registrant and upon registrant providing biometrics for the same. In e-KYC method, the registrant's Aadhaar number and biometrics are securely & electronically sent to UIDAI and upon successful electronic matching (of biometrics captured at the time of Aadhaar enrolment and biometrics captured at the time of document registration at Sub-Registrar Office) the UIDAI provides the demographic details (such as Name, Date of Birth, Gender, etc.) and Photograph. The details received from UIDAI are displayed to the Sub-Registrar for necessary identification of the registrant. It is submitted that in e-KYC method there is no requirement of presence of identifier for registration saving precious time of the identifier.

E2. Leave & License Registration may be done by the residents through electronic means from anywhere anytime

34. The landlords give their properties on rent to the tenants. For this purpose, both parties are required to execute and register the Leave and License Agreement. The landlords may live in same or different city than the location of property. In some cases, the landlord may also be living abroad. Using the e-KYC feature of UID authentication, the registrants can authenticate their identities using Aadhaar and register their document from anywhere through e-Registration system of the State Government.

35. In the cities like Mumbai & Pune, a large number of documents that come for registration are Leave & License Agreements. In most cases, the registrants are working professionals who have to take leave to visit Sub-Registrar Office for registration. It may be seen that e-Registration option, can result in significant saving of productive time for the registrant. It may also been seen that with the reduced workload at Sub-Registrar Office, it has the potential to provide better



services to applicants coming to Sub-Registrar Office for registration of other documents.

E3. Life Certificate may be generated using Aadhaar authentication of the pensioner

36. The government provides pension to its retired employees. In the current financial year, the number of such pensioners is nearly 6 Lakh. Every year, the pensioners are required to visit the concerned branch where he/she has bank account to get the Life Certificate (a proof of pensioner being alive). These bank branches may be located at distance from their residence and due to old age the pensioners may find it difficult to travel to the branch. The State Government is undertaking the program to provide the Life Certificate online by one-time registration of Aadhaar number in pension records and subsequently providing their biometrics on a periodic basis. Through this facility the pensioners will be able to generate their life certificate from anywhere. Initially, this facility is being planned to be rolled out at the Treasuries and Sub-Treasuries of the State Government.

Such a method of providing online life certificate will be a boon to hundreds of senior citizens who are pensioners. Due to the impugned order, the State Government is facing difficulties in implementing the scheme.

E4. Aadhaar based Biometric Attendance System for Government Employees

37. At present using traditional biometric attendance system, the attendance of nearly 6500 Government employees working in Mantralaya (Head Office of Government of Maharashtra) at Mumbai is being done. The State Government wishes to rollout the biometric attendance system to its field offices.

38. However, in the traditional biometric attendance system, there are multiple challenges such as biometric registration of all employees, issuance of cards, issues in matching of their biometric for which re-registration is required, etc. Through the Aadhaar based attendance all these challenges may be overcome and process may be simplified.

39. As a pilot of Aadhaar based biometric attendance system, the attendance of e-District Project

Managers and State Wide Area Network engineers has been successfully started on Aadhaar platform.

40. National Informatics Center (NIC) has developed an Aadhaar based attendance platform for the Government of India and it has extended this platform to the Government of Maharashtra.

E5. Name change procedure takes lesser time through usage of Aadhaar

41. Online Name Change Management software requires the applicant to provide Proof of identity and Proof of address. Using the e-KYC, the applicant details are automatically filled and the identity of the person availing the service is assured.

42. In addition to above, Aadhaar may be useful in other services for making them more transparent, location independent and convenient to the residents.

- Issuance / Renewal procedure of Driving License may become easier for residents
- Issuance of smart cards to Unorganized Labours
- Ease in Pass Management System for pilgrims at

various religious institutions (such as Shirdi Sai Sansthan)

43. It is humbly submitted that the impugned order restricting the use of Aadhaar only for the PDS Scheme and the LPG Distribution Scheme has deleterious effect on the aforementioned schemes and other services which use the Aadhaar platform for effective and efficient delivery of such schemes, strictly on the basis of resident's consent. The purpose of highlighting the aforementioned schemes or services is to demonstrate the widespread voluntary use of Aadhaar, the benefits that accrue to individuals, particularly to the poor and those without any other form of identity, and the hardship caused by the impugned order that prohibits such voluntary use.

A true copy of the exhaustive list of welfare schemes linked to Aadhaar is produced herewith and marked as **ANNEXURE-P-2**. (Page 42 - 43 ).

44. It is also humbly submitted that this Hon'ble Court while allowing the use of Aadhaar for PDS and LPG schemes was conscious of the important underlying rights

therein which Aadhaar sought to facilitate, viz, the right to food which is contained in Article 21 of the Constitution. However, it is humbly submitted that apart from the PDS and LPG schemes, the schemes and facilities aforementioned which are Aadhaar-linked, equally allow access to rights contained in Article 21 of the Constitution itself. The right to work, right to receive old age pension or disability pension cannot be considered in anyway to be inferior to the right to food since often the former is an enabler of the latter right and are all found within the content of Article 21 of the Constitution. Therefore, if this Hon'ble Court could allow, the Government to implement the PDS and LPG Schemes through the Aadhaar platform, there is no reason why Aadhaar should not be allowed for these other equally important schemes on a purely voluntary basis.

45. It is humbly submitted that there is a legitimate state interest in ensuring that the various benefits, subsidies and services being offered by the State should reach the intended beneficiary and not to fakes and duplicates, which proliferate in the system leading to loss of thousands of crores of rupees of public money. The

uniqueness of Aadhaar helps in elimination of duplicates and fakes from any beneficiary database leading to immense savings through reduction of leakages and wastages.

46. It is humbly submitted that the saving of such a significant amount of public money, when combined with the benefits that accrue to residents by using Aadhaar number provides sufficient basis for this Hon'ble Court to clarify / modify its interim order dated 11.08.2015 allowing the use of Aadhaar, strictly on the basis of resident consent.

47. Such order will be in keeping with earlier orders of this Hon'ble Court, by which it has always maintained that Aadhaar and its associated services/benefits can only be used on a voluntary basis without making it mandatory or compulsory and that no one should be denied of any benefits or services for want of the Aadhaar Card from time to time.

48. This Hon'ble Court in its order dated 23.09.2013 was pleased to direct as follows:-

"In the meanwhile, no person should suffer for not

getting the Aadhaar card in spite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant."

A true copy of the order dated 23.9.2013 passed by this Hon'ble court in Writ Petition No. 494 of 2012 is produced herewith and marked as **ANNEXURE-P-3**.

(Page 44 - 46 ).

49. Similarly, this Hon'ble Court while reiterating the earlier directions passed the order dated 16.03.2015 in the following terms:

"1. Since Union of India is represented by learned Solicitor General and all the States are represented through their respective counsel, we expect that both the Union of India and States and all their functionaries should adhere to the Order passed by this Court on 23rd September, 2013."

A true copy of the order dated 16.3.2015 passed by this Hon'ble court in Writ Petition No. 494 of 2012 is produced herewith and marked as **ANNEXURE-P-4**.  
(Page 47-52).

50. Again, this Hon'ble Court in a Special Leave Petition filed by the UIDAI against the High Court of Bombay at Panaji in its order dated 24.03.2014 in SLP (Cri.) No. 2524 of 2014 reiterated that the use of Aadhaar shall be purely consent based and not compulsory. The operative portion of the order dated 24.03.2014 is as follows:-

In the meanwhile, the present petitioner is restrained from transferring any biometric information of any person who has been allotted the Aadhaar number to any other agency without his consent in writing.

More so, no person shall be deprived of any service for want of Aadhaar number in case he / she is otherwise eligible / entitled. All the authorities are directed to modify their forms / circulars / likes so as to not compulsorily require the Aadhaar number in order to meet the requirement of the interim



order passed by this Court forthwith."

A true copy of the order dated 24.03.2014 passed by this Hon'ble court in Special Leave Petition (Crl) No. 2524 of 2014 is produced herewith and marked as **ANNEXURE-P-5**. (Page 53-54 ).

51. In the interim order dated 11.08.2015, in spite of the Petitioner's plea, this Hon'ble Court did not stop the process of enrolment of residents into Aadhaar on a voluntary basis. The same principle ought to be extended to use of Aadhaar for social welfare schemes and services as well. This proposition simply involves giving an individual the option of using an Aadhaar-linked service in order to authenticate his / her identity. The identity of the individual having been duly authenticated the service provider can proceed to provide the said service. Thus, in relevant part, giving an individual such an option is analogous to permitting an individual to access and use his / her own information as he / she chooses.

52. On this basis it is humbly submitted that there is no likelihood of any injury, irreparable or otherwise, to be caused to the public if this Hon'ble Court allows the

use of Aadhaar number/card on a voluntary basis for any social benefit scheme or service. On the contrary, the balance of convenience lies in enabling the use of Aadhaar for crores of residents, particularly the poor, to exercise their rights and receive their benefits, and the State to reduce public expenditure by efficient targeting of such benefits.

53. The Aadhaar programme provides developmental benefits to large sections of society, specifically the financially excluded, pensioners, marginalised and deprived strata. It not only makes routine tasks such as withdrawing money from bank accounts convenient for such persons, but is often also the only identity proof available to them to access basic services. In essence it involves millions of individuals consenting to a more convenient and secure method of accessing state subsidies and largesse which over the years has, in large measure, not reached them as intended, benefited ghost claimants and been siphoned off by a range of middlemen. In this entirely consensual process of accessing state largesse, the question of their right to privacy being affected or violated in any way does

not arise.

54. It is emphasized that in most cases, the UID number is used as a unique identifier for deduplication by seeding of the program databases & bank accounts. Demographic or other information of the resident is not being used without the consent of the resident. In cases of services based on UID authentication or e-KYC, the consent of the resident is inherent as the authentication is on the basis of resident biometrics. However the impugned order does not allow the use of UID number for any of the above listed purposes. Hence, the impugned order will cause hardship to the residents and put a halt to the positive movement towards de-duplication and reduction of leakages in delivery of Government schemes.

#### PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be graciously pleased to:

- (i) In light of the above legal and factual submissions, it is, therefore, prayed that this Hon'ble Court may be pleased to clarify or modify its order dated 11.08.2015 to allow the Aadhaar number to be used not

only for the PDS Scheme and LPG Distribution Scheme but also for any social benefit scheme or service of the Government of India, State Governments or like services based on resident consent to enable those who are enrolled/enrolling on a voluntary basis to avail of the services and benefits of Aadhaar, as outlined above;

(ii) It is also prayed that the information about an individual obtained by UIDAI while issuing an Aadhaar Number should not be restricted for the purpose of criminal investigation only; but should be permitted to be used for facilitating the delivery of the various welfare Schemes and other services of the Government of India and State Governments alike which shall be purely based on the consent of the resident.

(iii) and pass such other orders as this Hon'ble Court may deem fit and necessary.

Drawn on: 29-9-2015  
Filed on: 30-9-2015  
Place: New Delhi

DRAWN AND FILED BY

NISHANT R. KATNESHWARKAR  
Advocate for Petitioner

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO.            OF 2015  
IN

WRIT PETITION (CIVIL) NO. 494 OF 2012

IN THE MATTER OF

Justice K.S. Puttaswamy (Retd.)  
& Anr.

...PETITIONERS

VERSUS

Union of India & Ors.

...RESPONDENTS

AND

IN THE MATTER OF

State of Maharashtra  
Through the Principal Secretary,  
Information Technology, General  
Administration Department,  
Mantralaya, Madam Cama Road  
Hutatma Rajguru Chowk,  
Mumbai - 400032

.... APPLICANT

A F I D A V I T

I, Muthukrishnan Sankarnarayanan, Age- 38 years, Occu-  
Service as Director, Information Technology, Mantralaya,  
Mumbai (Maharashtra) do hereby solemnly affirm and say  
as under:-



- 36 -

1. That, I am the authorized officer of the respondent in the above mentioned Writ Petition. I am well acquainted with the facts of the case. As such, I am competent to swear this affidavit.
2. That I have gone through the contents of application for Production of additional documents and understood the contents of the same and I say that the same are true and correct to the best of my knowledge.

DEPONENT

*A.M.*

Muthukrishnan Sankarnarayanan

DEPONENT

**VERIFICATION**

I, the above named deponent, do hereby verify that the contents of para 1 to para 2 of above Affidavit are true and correct to the best of my knowledge and belief and no material has been concealed therefrom.

Solemnly affirmed on this 29<sup>th</sup> day of September, 2015 at New Delhi.

*AKM*  
IDENTIFIED BY

ATTESTED

29.09.15  
NOTARY PUBLIC, DELHI



Deponent

*A.M.*

Muthukrishnan Sankarnarayanan

DEPONENT

Anne xure - P-1

37

**REPORTABLE**  
**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**  
**WRIT PETITION (CIVIL) NO.494 OF 2012**

Justice K.S. Puttaswamy (Retd.) & Another ... Petitioners

*Versus*

Union of India & Others

... Respondents

**WITH**

TRANSFERRED CASE (CIVIL) NO.151 OF 2013  
TRANSFERRED CASE (CIVIL) NO.152 OF 2013  
WRIT PETITION (CIVIL) NO.829 OF 2013  
WRIT PETITION (CIVIL) NO.833 OF 2013  
WRIT PETITION (CIVIL) NO.932 OF 2013  
TRANSFER PETITION (CIVIL) NO.312 OF 2014  
TRANSFER PETITION (CIVIL) NO.313 OF 2014  
WRIT PETITION (CIVIL) NO.37 OF 2015  
WRIT PETITION (CIVIL) NO.220 OF 2015  
TRANSFER PETITION (CIVIL) NO.921 OF 2015  
CONTEMPT PETITION (CIVIL) NO.144 OF 2014 IN WP(C) 494/2012  
CONTEMPT PETITION (CIVIL) NO.470 OF 2015 IN WP(C) 494/2012

**INTERIM ORDER**

After the matter was referred for decision by a larger Bench, the learned counsel for the petitioners prayed for further interim orders. The last interim order in force is the order of this Court dated 23.9.2013 which reads as follows:-

“....

All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Aadhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant."

It was submitted by Shri Shyam Divan, learned counsel for the petitioners that the petitioners having pointed out a serious breach of privacy in their submissions, preceding the reference, this Court may grant an injunction restraining the authorities from proceeding further in the matter of obtaining biometrics etc. for an Aadhaar card. Shri Shyam Divan submitted that the biometric information of an individual can be circulated to other authorities or corporate bodies which, in turn can be used by them for commercial exploitation and, therefore, must be stopped.

The learned Attorney General pointed out, on the other hand, that this Court has at no point of time, even while making the interim order dated 23.9.2013 granted an injunction restraining the Unique Identification Authority of India from going ahead and obtaining biometric or other information from a citizen for the purpose of a Unique Identification Number, better known as "Aadhaar card". It was further submitted that the respondents have gone ahead with the project and have issued Aadhaar cards to



about 90% of the population. Also that a large amount of money has been spent by the Union Government on this project for issuing Aadhaar cards and that in the circumstances, none of the well-known considerations for grant of injunction are in favour of the petitioners.

The learned Attorney General stated that the respondents do not share any personal information of an Aadhaar card holder through biometrics or otherwise with any other person or authority. This statement allays the apprehension for now, that there is a widespread breach of privacy of those to whom an Aadhaar card has been issued. It was further contended on behalf of the petitioners that there still is breach of privacy. This is a matter which need not be gone into further at this stage.

The learned Attorney General has further submitted that the Aadhaar card is of great benefit since it ensures an effective implementation of several social benefit schemes of the Government like MGNREGA, the distribution of food, ration and kerosene through PDS system and grant of subsidies in the distribution of LPG. It was, therefore, submitted that restraining the respondents from issuing further Aadhaar cards or fully utilising the existing Aadhaar cards for the social schemes of the Government should be allowed.

The learned Attorney General further stated that the

respondent Union of India would ensure that Aadhaar cards would only be issued on a consensual basis after informing the public at large about the fact that the preparation of Aadhaar card involving the parting of biometric information of the individual, which shall however not be used for any purpose other than a social benefit schemes.

Having considered the matter, we are of the view that the balance of interest would be best served, till the matter is finally decided by a larger Bench if the Union of India or the UIDA proceed in the following manner:-

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;
3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;
4. The information about an individual obtained by the Unique

41

Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation.

Ordered accordingly.

.....J.  
(J. Chelameswar)

.....J.  
(S.A. Bobde)

.....J.  
(C. Nagappan)

New Delhi  
August 11, 2015

**ANNEXURE-P-2**

S. No.	Scheme Name
<b>Government of India (List of Schemes for seeding)</b>	
1.	Indira Gandhi Matritva Sahyog Yojana (IGMSY)
2.	National scheme for incentive for the girl child for secondary education
3.	National means cum merit scholarship
4.	Janani Suraksha Yojana (JSY)
5.	Merit cum Means scholarship for minorities
6.	Stipend to trainees under the scheme of welfare of SC/ST Job Seekers through Coaching, Guidance, and Vocational Training
7.	Payment of stipend to trainees under the scheme of Skill Development in 34 Districts affected by Left Wing Extremism (LWE)
8.	Post Matric Scholarship for ST
9.	Post Matric Scholarship for SC student
10.	Post Matric Scholarship for OBC student
11.	Up-gradation of merit of SC Students
12.	Pre Matric Scholarship of children of those engaged unclean occupations
13.	Pre Matric Scholarship for SC
14.	Top Class Education Scheme for SC
15.	Indira Gandhi National Old Age Pension Scheme
16.	Indira Gandhi National Widow Age Pension Scheme
17.	Indira Gandhi National Disability Age Pension Scheme
18.	Scholarship to universities / college students
19.	Mahatma Gandhi Rural Employment Guarantee Act
20.	Digital Locker repository for storage of documents of citizens
<b>Government of Maharashtra (Already Launched Services)</b>	
21.	Registrant providing Aadhaar number may not require bringing identifier at the time of document registration
22.	e-Registration of Leave & License Agreement
23.	Life Certificate (Jeevan Pramaan)
24.	Name Change Procedure
25.	Attendance of the government employees
26.	e-District and Aaple Sarkar Portal
27.	e-Challan Project
<b>Government of Maharashtra (Planned Services)</b>	

43

S. No.	Scheme Name
28.	Electronic Public Distribution System
29.	Issuance / Renewal procedure of Driving License
30.	Pass Management System at religious institutions (such as Shridi Sai Sansthan)
31.	Farmer registration
32.	Unorganized Labour Registration

True Copy

44

**ANNEXURE-P-3**

ITEM NO.5+56

Court No.5

SECTION PIL

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS  
WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY(RETD)& ANR      Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay)

WITH T.P.(C) NO. 47-48 of 2013

(With appln(s) for stay and office report)

(Appln. for deletion of the name of petitioner no. 1)

T.P.(C) NO. 476 of 2013

(With appln(s) for stay and office report)

W.P.(C) No. 829 of 2013

(With appln(s) for interim relief and office report)

Date: 23/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Anil B. Divan, Sr. Adv.

Mr. Ankit Goel, Adv.

Mr. Ranvir Singh, Adv.

Mr. Sanjay Yadav, Adv.

Mr. Anish Kumar Gupta, Adv.

Ms. Deepshikha Bharati, Adv.

Mr. S.S. Shamshery, Adv.

Mr. Rajeev Kr. Singh, Adv.

45

Mr. Nachiketa Joshi, Adv.  
Mr. P.R. Kovilan Poongkuntran, Adv.  
Mrs. Geetha Kovilan, Adv.  
Mr. Shyam Divan, Sr. Adv.  
Mr. Pratap Venugopal, Adv.  
Ms. Meenakshi Chauhan, Adv.  
Mr. Varun Singh, Adv.  
Mr. Gaurav Nair, Adv.  
for M/s. K.J. John & Co.

For Respondent(s) Mr. Mohan Parasaran, SG  
Mr. L. Nageshwar Rao, ASG  
Mr. Farrukh Rasheed, Adv.  
Mr. Alok Mishra, Adv.  
Mr. D.S. Mahra, Adv

UPON hearing counsel the Court made the following

#### O R D E R

Issue notice in W.P.(C) No. 829/2013.

Application for deletion of the name of  
petitioner no. 1 in T.P.(C) Nos. 47 of 2013 is allowed.

T.P.(C)nos. 47-48 of 2013 and T.P.(C) No. 476  
of 2013 are allowed in terms of the signed order.

All the matters require to be heard finally. List  
all matters for final hearing after the Constitution Bench is  
over.

In the meanwhile, no person should suffer for  
not getting the Adhaar card inspite of the fact that some  
authority had issued a circular making it mandatory and

46

when any person applies to get the Adhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant.

(DEEPAK MANSUKHANI)  
Court Master

(M.S. NEGI)  
Court Master

(Signed order is placed on the file)

True Copy



47

**ANNEXURE-P-4**

ITEM NO. 301

COURT NO. 6

SECTION PIL

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No. (s) . 494/2012

JUSTICE K.S. PUTTASWAMY (RETD) & ANR

....Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With appln(s) for stay, impleadment, clarification/modification of Court's order, intervention, directions, permission to file additional documents, permission to file additional affidavit and office report)  
(For Final Disposal)

WITH

T.C. (C) No. 151/2013

(With appln. (s) for impleadment as party respondent and appln (s) for modification of court's order)

T.C. (C) No. 151/2013

W.P. (C) No. 829/2013

(With appln. (s) for impleadment and impleadment/directions and interim relief and office report)

W.P. (C) No. 833/2013

(With appln. (s) for directions and appln (s) for impleadment and appln (s) for permission to file additional documents and Office Report)

W.P. (C) No. 932/2013

(With appln. (s) for directions and appln. (s) for interim directions and Office report)

25  
48  
T.P. (C) No. 312/2014

(With officer Report)

T.P. (C) No. 313/2014

(With officer Report)

W.P. (C) No. 37/2015

(With appln. (s) for amendment of memo of parties and interim stay and permission to file additional documents and office report)

Date: 16/03/2015 These matters were called for hearing today

CORAM:

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner (s)

Mr. Gopal Subramaniam, Sr. Adv.

Ms. Aishwarya Bhati, Adv,

Mr. Talha Abdul Rahman, Adv,

Ms. Neha Meena, Adv,

Ms. Anusha Ramesh, Adv,

Ms. Sadhana Saxena, Adv,

Mr. Shyam Divan, Sr. Adv,

Mr. Pratap Venugopal, Adv,

Ms. Surekha Raman, Adv.

Ms. Supriya Jain, Adv.

Mr. Gaurav Nair, Adv.

Ms. Niharika, Adv.

For M/s K.J. John & Co.

Ms. Meenakshi Arora, Sr. Adv.

Mr. Rahul Narayan, Adv.

Mr. Mohit Singh, Adv.

Mr. Abhishek Atray, Adv.

Ms. V. Mohana, Adv.

Mr. B. Raghunath, Adv.

Mr. Vijay Kumar, Adv.

Ms. Geeta Kovilam, Adv.

Mr. P.V. Kovilam, Adv.

Mr. Ankit Goel, Adv.

Mr. Sanjay Yadav, Adv.

For Mr. Anish Kumar Gupta, Adv.

49

UOI

## State of Uttarakhand

State of Telangana-

## State of Gujarat

State of Jharkhand Mr. Tapesk Kumar Singh, Adv:

State of Puducherry Mr. V.G. Pragasam, Adv.

Mr. S.J. Aristotle, Adv.  
Mr. Prabhu Ramasubramanian, Adv.

50

ELI	Mr. Mohit Ram, Adv. Ms. Monisha Handa, Adv. Mr. Neeraj Kumar, Adv.
State of Assam	Mr. Riku Sarma, Adv Mr. Navnit Kumar, Adv. M/s Corporate Law Group.
State of WB	Mr. Soumitra G. Chaudhuri, Adv. Mr. Anip. Sachthey, Adv.
State of Nagaland	Ms. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv. Mr. Balaji Srinivasan, Adv.
State of HP	Mr. J.S. Attri, Sr. Adv. Mr. Varinder Kumar Sharma, Adv. Mr. Sumeet Prakash, Adv.
State of Maharashtra	Ms. Asha Gopalan Nair, Adv. Mr. A.P. Mayee, Adv, Mr. A. Selvin Raja, Adv.
UT administration	Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, Adv.
State of Sikkim	Ms. Aruna Mathur, Adv. Mr. Yusuf Khan, Adv. Mr. K. Vijay Kumar, Adv. M/s Arputham Aruna & Co. Adv.
State of Goa	Mr. Ninad Laud, Adv. Mr. Karan Mathur, Adv. Mr. Jayant Mohan, Adv.
State of Manipur	Mr. Sapam Biswajit Meitei, Adv. Mr. Z. H. Issac Haiding, Adv. Mr. Ashok Kumar Singh, Adv.
State of Rajasthan	Mr. Shiv Mangal Sharma, Adv. Mr. Shrey Kapoor, Adv. Mr. Ruchi Kohli, Adv.
State of HP	Mr. Suryanarayana Singh, AAG Ms. Pragati Neekhara, Adv.
State of Punjab	Mr. Sanchar Anand, Adv.

51

Mr. Apoorv Singhal, Adv.

State of Kerala

Mr. Jogy Scaria, Adv.  
Mr. R.S. Bed, Adv.

State of Mizoram

Mr. K. N. Madhusoodhanam, Adv.  
Mr. T.G.N. Nair, Adv.

NCT of Delhi

Mr. J.N. Kalia, Adv.

State of Haryana

Mr. B.K. Satija, AAG

IA Sof 2014 in

Mr. Sumit Attri, Adv.  
Mr. Gopal Sankaranarayanan, Adv.  
Ms. Savita Singh, Ad  
Mr. Prashant, Adv.

State of TN

Mr. B. Balaji, Adv.  
Mr. R. Rakesh Sharma, Adv.  
Ms. R. Shase, Adv.

State of Bihar  
UT Chandigarh

Mr. Abhinav Mukerji, Adv.  
Ms. Vimla Sinha, Adv.  
Mr. Gopal Singh, Adv.  
Mr. Amit Sharma, Adv.  
Mr. Dipesh Sinha, Adv.

Beghar Foundation

Mr. Saikrishna Rajagopal, Adv.  
Mr. Juban George, Adv.  
Mr. Arjun Ranganathan, Adv.  
Mr. Nikhil Nayyar, Adv.  
Mr. Kamal Mohan Gupta, Adv.  
Ms. C.K. Sucharita, Adv.  
Mr. Mishra Saurabh, Adv.  
Mr. Garvesh Kabra, Adv.  
Mr. T.G. Narayanan Nair, Adv.  
Ms. Anitha Shenoy, Adv.

Upon hearing the counsel the Court made the following

#### O R D E R

The matters require considerable time for hearing.

Therefore, we direct the matters to be listed for hearing

in the second week of July, 2015 after obtaining appropriate orders from Hon'ble the Chief Justice of India.

In the meanwhile, it is brought to our notice that in certain quarters, Aadhar identification is being insisted upon by the various authorities, we do not propose to go into the specific instances.

Since Union of India is represented by learned Solicitor General and all the States are represented through their respective counsel, we expect that both the Union of India and States and all their functionaries should adhere to the Order passed by this Court on 23<sup>rd</sup> September, 2013.

Pleadings be completed before the end of April, 2015.

All the parties are at liberty to file any further affidavit or documents, if they so wish.

(DEEPAK MANSUKHANI)  
COURT MASTER

(TAPAN KR. CHAKRABORTY)  
COURT MASTER

True Copy

**ANNEXURE-P-5**

ITEM NO.57

COURT NO.4

SECTION IIA

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).2524/2014

(From the judgement and order dated 26/02/2014 in CRLWP No. 10/2014, of The HIGH COURT OF BOMBAY AT PANAJI)

UNIQUE IDENTIFICATION AUTH.OF INDIA &amp;ANR

...Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

..Respondent(s)

(With appln. for exemption from filing c/c of the impugned Judgment and office report)

Date: 24/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN HON'BLE  
MR. JUSTICE J. CHELAMESWARFor Petitioner(s) Mr. Mohan Parasaran, SG  
Mr.Rakesh Khanna, ASG  
Mr. Zohen Hossain, Adv.Mr. Alok Mishra, Adv.  
Mr. D.S. Mahra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

ORDER

54

Issue notice.

In addition to normal mode of service, dasti service, is permitted.

Operation of the impugned order shall remain stayed.

In the meanwhile, the present petitioner is restrained from transferring any biometric information of any person who has been allotted the Aadhaar number to any other agency without his consent in writing.

More so, no person shall be deprived of any service for want of Aadhaar number in case he/she is otherwise eligible/entitled. All the authorities are directed to modify their forms/circulars/likes so as to not compulsorily require the Aadhaar number in order to meet the requirement of the interim order passed by this Court forthwith.

Tag and list the matter with main matter i.e. WP(C) No.494/2012.

[Usha Bhardwaj]  
A.R.-cum-P.S.

[M.S. Negi]  
Assistant Registrar

True Copy